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LOS ANGELES POLICE DEPARTMENT
Force Investigation Division

SUBJECT TO PROTECTIVE ORDER

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|---|---|---|
| In the Matter of: | ) | |
| Officer Involved Shooting | ) | DR No. |
| Transcription of Taped Interview | ) | FID No. 042-17 |
| Of Philip Malick | ) | Tape No. Malick |
| | ) | |

ESTATE OF ERIC RIVERA, et al.

v.

CITY OF LOS ANGELES, et al.

**TRANSCRIPTION OF TAPE RECORDED INTERVIEW OF PHILIP MALICK**

CV17-06939 CBM (MRWx)

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**Transcribed by:**
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**CSR No. 13501**

**Job Number:**
**TP87067**

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LOS ANGELES POLICE DEPARTMENT

Tape No. Malick

DETECTIVE STONE: You moved to from where?

APOLLONIA CRUZ: Central California.

DETECTIVE STONE: Okay.

APOLLONIA CRUZ: Yeah. Like near Fresno. My parents live in a small town called Lemoore. It's like a naval base. My stepdad is in the -- or retired military.

DETECTIVE STONE: Okay.

APOLLONIA CRUZ: So that's where we were. Hey, babe.

DETECTIVE GAHRY: Hello, sir.

DETECTIVE STONE: How you doing, sir?

PHILIP MALICK: Good.

DETECTIVE STONE: Thanks for joining us. I'm Pete Stone.

PHILIP MALICK: Yeah, I'm Phil. Nice to meet you.

DETECTIVE GAHRY: Heather Gahry.

DETECTIVE STONE: Can we talk for a minute?

PHILIP MALICK: Yeah. Do you want to come in?

DETECTIVE STONE: Sure, please.

APOLLONIA CRUZ: Let me get -- let me put the dogs out.

PHILIP MALICK: (Inaudible).

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APOLLONIA CRUZ: Let me put the dogs out, please.

DETECTIVE GAHRY: The dogs were watching us.

PHILIP MALICK: Yeah.

DETECTIVE STONE: Came out and visited a little bit. The young one that's rambunctious.

PHILIP MALICK: Yeah.

DETECTIVE STONE: Got a day off today?

PHILIP MALICK: Yeah, I don't work. I'm a landlord. I don't work.

DETECTIVE STONE: Oh, nice. Nice.

PHILIP MALICK: That's not really work.

DETECTIVE STONE: No, I would imagine it is though.

PHILIP MALICK: Yeah, it is.

DETECTIVE STONE: Do you -- like apartment buildings or --

PHILIP MALICK: No. Single-family homes.

DETECTIVE STONE: Okay.

PHILIP MALICK: I just -- when someone moves out, I go fix them up and rent them out.

DETECTIVE STONE: You know what, I've thought of doing that like a retirement type thing.

PHILIP MALICK: That is the best thing you could seriously.

DETECTIVE STONE: I don't know. It's -- we're -- my son just bought a house, and we're redoing everything

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inside. He just floors done the last two days.

PHILIP MALICK: Yeah, yeah.

DETECTIVE STONE: But we've got all the moulding. We've taken out walls. We've taken out a lot of the kitchen stuff.

PHILIP MALICK: Right, yeah.

DETECTIVE STONE: It's a lot of work, but --

PHILIP MALICK: Yeah, it is.

DETECTIVE STONE: -- I enjoy it. Especially if I could own some different properties and --

PHILIP MALICK: Yeah, it's the only way you could retire too.

DETECTIVE STONE: Yeah.

DETECTIVE GAHRY: Only if you don't get the nightmare tenants.

DETECTIVE STONE: Yeah.

PHILIP MALICK: Yeah. You just got to --

DETECTIVE GAHRY: Those are the scary things.

PHILIP MALICK: You just got to call in those lawyers and evict them.

DETECTIVE STONE: My dad had a rental property, and he had a tenant for like 20 years, you know, and they just handled stuff. There was no calls on Christmas morning or stuff like that.

PHILIP MALICK: That's the best, yeah. We're good?

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**APOLLONIA CRUZ: Yeah. Sorry.**

**PHILIP MALICK: (Inaudible).**

**DETECTIVE STONE: No worries. No worries.**

PHILIP MALICK: (Inaudible).

DETECTIVE STONE: Thank you. Thank you. So you're -- you're -- let's see. I don't have your paperwork. Your name -- last name is Malick?

PHILIP MALICK: Malick, M-a-l-i-c-k, yeah.

DETECTIVE STONE: Malick?

**PHILIP MALICK: Yeah.**

**DETECTIVE STONE: Okay. What's your first name?**

**PHILIP MALICK: Philip.**

**DETECTIVE STONE: Do you want my ID?**

**PHILIP MALICK: No, that's fine.**

**DETECTIVE STONE: Is it P-h-i-l-i-p?**

**PHILIP MALICK: P-h -- yeah. P-h-i-l-i-p.**

DETECTIVE STONE: Okay. Okay. And your son is Eric?

PHILIP MALICK: Yes.

DETECTIVE STONE: Okay. How old --

PHILIP MALICK: Eric Rivera.

DETECTIVE STONE: How old is Eric?

PHILIP MALICK: I think he's almost 20. Do you want me to check his ID on my thing? Do you want his ID?

**DETECTIVE STONE: That's okay. You think he's --**

**APOLLONIA CRUZ: I think he's almost 20.**

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PHILIP MALICK: I think he's almost 20.

DETECTIVE STONE: 20? 21?

PHILIP MALICK: I think he's 20, going to turn 21 soon, yeah.

DETECTIVE STONE: Where's -- do you -- is he living here with you?

PHILIP MALICK: He comes back and forth, yeah.

DETECTIVE STONE: Okay. Where does he typically stay?

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PHILIP MALICK: I don't know. He stays at like friends' houses and stuff like that. He's been like looking for a job. He wants to live on his own he said.

DETECTIVE STONE: Does he?

PHILIP MALICK: Yeah.

APOLLONIA CRUZ: He was supposed to go back to school. The last time when I talked to him, he said he was enrolling in school, but I don't know if he ever --

DETECTIVE STONE: And I'm sorry. I didn't get your name.

APOLLONIA CRUZ: Apollonia, A-p-o-l-l-o-n-i-a, Cruz, C-r-u-z.

DETECTIVE STONE: That's a pretty first name.

APOLLONIA CRUZ: Thank you.

DETECTIVE STONE: Apollonia. So when was that when you talked to him about going back to school?

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APOLLONIA CRUZ: Beginning of this year he was going to try to go back to school.

DETECTIVE STONE: Okay. So when was the last time -- let me ask you, Mr. Malick. When was the last time you saw him?

PHILIP MALICK: I want to say like a week ago.

DETECTIVE STONE: Okay.

PHILIP MALICK: He said he was looking for a job and stuff like that.

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DETECTIVE STONE: Okay. Do you -- how'd he look to you? Did he look like he was -- I mean, do you think he's got a place to stay or do you think he's homeless, transient type?

PHILIP MALICK: You know what, honestly, he might be homeless, but I don't think (Inaudible), because I think he stays like a couple friends' houses or something like that.

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DETECTIVE STONE: Okay.

PHILIP MALICK: And, you know, he's -- I told him he could stay here, but he doesn't want to stay here, because --

APOLLONIA CRUZ: We have rules.

PHILIP MALICK: -- we have these rules. You know, he doesn't want to abide by our rules.

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DETECTIVE STONE: You're being parents?

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PHILIP MALICK: Yeah, we're being parents.

DETECTIVE STONE: Okay.

PHILIP MALICK: So he's like, no, I want to be independent, so -- but he could come and stay like any time he wanted.

APOLLONIA CRUZ: We never told him to like --

PHILIP MALICK: Yeah, we never told him that.

APOLLONIA CRUZ: -- you're not allowed here or nothing, no.

PHILIP MALICK: We told him, "Hey, come in. Yeah, come."

DETECTIVE STONE: Okay.

PHILIP MALICK: Yeah.

DETECTIVE STONE: Okay.

PHILIP MALICK: But then he's not --

DETECTIVE STONE: Well, I've got children about that age and I kind of have a similar kind of --

PHILIP MALICK: Yeah.

DETECTIVE STONE: -- conversations.

PHILIP MALICK: Yeah, he just wanted to make it on his own he said. That's what he said.

DETECTIVE STONE: And when you said he's staying with friends, is that -- are there friends in the neighborhood here in Lomita or --

PHILIP MALICK: I really don't know any of his

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friends.

DETECTIVE STONE: Okay.

PHILIP MALICK: I know like one lived in like Wilmington off of like -- I want to say M Street.

DETECTIVE STONE: Okay.

PHILIP MALICK: Because I picked them up and dropped them off over there like once or twice.

DETECTIVE STONE: Is that --

PHILIP MALICK: His name was Raul.

DETECTIVE STONE: Raul?

PHILIP MALICK: I'm not sure if they're talking still though, because the last time I dropped him off over there maybe was like eight months ago or something like that, you know?

APOLLONIA CRUZ: And he was dating a girl named Jennifer too before. I don't know.

DETECTIVE STONE: Do you --

PHILIP MALICK: No, they're not talking anymore.

DETECTIVE STONE: Do you know when that ended or last time they --

PHILIP MALICK: Probably been like a year or two.

DETECTIVE STONE: Oh, okay. So that's a distant. Nothing recent?

PHILIP MALICK: Yeah.

DETECTIVE STONE: And on M Street, do you remember

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the cross street? Is it like Figueroa?

PHILIP MALICK: Do you want the address?

DETECTIVE STONE: Yeah, please.

PHILIP MALICK: I wrote it down once in case I had to find his ass because, you know, it's hard to find him sometimes.

DETECTIVE STONE: And do you know Raul's last name?

PHILIP MALICK: No. I just have Raul.

DETECTIVE STONE: Okay.

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PHILIP MALICK: And it's 1246 M Street. I just wrote down the number one day, because I was like I couldn't find it one day.

DETECTIVE STONE: Okay. And when was the last time that you saw him there?

PHILIP MALICK: When I dropped him off.

DETECTIVE STONE: Okay.

PHILIP MALICK: Because I don't know if he hangs out there or if he lives there or what. But I know he has another friend right here on this street, Cypress, at the end right here. Way at the end. It dead ends right here.

DETECTIVE STONE: Okay.

PHILIP MALICK: And there's like a big apartment building on the right, a really -- a really big one. I know one of his friends lives there too.

DETECTIVE STONE: Okay. Do you know his name?

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PHILIP MALICK: I don't know. I never met him.

DETECTIVE STONE: Okay.

PHILIP MALICK: I just -- he told me once that his friend lives over there.

DETECTIVE STONE: Okay.

PHILIP MALICK: That's all I remember.

DETECTIVE STONE: Okay. Is he -- so he's 21. Is he typically been living with you for years or -- I mean, I know he's kind of coming and going, but -- he's fine.

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APOLLONIA CRUZ: Okay.

DETECTIVE STONE: I am a dog lover, so I'm okay.

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PHILIP MALICK: Yeah, he typically lives me with me, yeah.

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DETECTIVE STONE: Okay.

PHILIP MALICK: But, I mean, he's --

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DETECTIVE STONE: I mean, I did --

PHILIP MALICK: -- been saying, yeah, he wants to be independent.

DETECTIVE STONE: But as a child, did he grow up here in this house in Lomita?

PHILIP MALICK: Me and his grandma. He would live there and here, there and here. Like when he would get in some kind of trouble, we would send him over there and send him back.

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DETECTIVE STONE: Okay.

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PHILIP MALICK: Like in school he would get (Inaudible).

DETECTIVE STONE: And where's grandma? Where's that at?

PHILIP MALICK: It's in Victorville.

DETECTIVE STONE: Okay.

PHILIP MALICK: Do you want her address?

DETECTIVE STONE: Sure.

PHILIP MALICK: She called to let -- are you Steve?

APOLLONIA CRUZ: Peter.

DETECTIVE STONE: Stone.

PHILIP MALICK: Yeah, she -- I gave her your number. She called you already --

DETECTIVE STONE: Okay.

PHILIP MALICK: -- and left a message.

DETECTIVE STONE: Okay.

PHILIP MALICK: I could give you her number though if that would help you.

DETECTIVE STONE: You know what, someone passed me or --

PHILIP MALICK: I called right now too and told her.

DETECTIVE STONE: It's right here. Is that (760) 246-5934?

PHILIP MALICK: Let me make sure, because I don't know it by heart. I just know --

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DETECTIVE STONE: And her name is Jane?

PHILIP MALICK: Jane, yeah. Jane, yeah.

DETECTIVE STONE: Okay. Yeah, I got a message that she had called. We were out in the field.

PHILIP MALICK: Yeah. (760) 792 -- this is probably her other number. 792-4949. That's her house number. That's the one I have.

DETECTIVE STONE: 4949. Okay.

PHILIP MALICK: 760 area code. Bella, out. Bella.

APOLLONIA CRUZ: Belly. Bella.

PHILIP MALICK: Can you put it outside?

APOLLONIA CRUZ: She's going to bang on the door. You know that.

DETECTIVE STONE: Oh, she's all right right there.

PHILIP MALICK: (Unintelligible).

DETECTIVE STONE: Letting me write some notes, huh?

APOLLONIA CRUZ: Sorry.

DETECTIVE STONE: No worries. Okay. So in his youth has there been some issues, criminal activity? Well, I know he's been arrested a few times. You're aware of that?

PHILIP MALICK: Yeah. Well, I threw him in jail once.

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DETECTIVE STONE: Okay. What was that regarding?

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PHILIP MALICK: He was living here and it was one

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time he got angry with me and we kind of got in -- you know, we got in a little fight.

APOLLONIA CRUZ: A physical altercation.

PHILIP MALICK: And then I called the police on him and threw him in jail.

DETECTIVE STONE: Okay.

PHILIP MALICK: Because I thought it -- like he would -- you know, he needed it. I don't know.

DETECTIVE STONE: Okay. It was getting kind of --

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**PHILIP MALICK: Yeah.**

**DETECTIVE STONE: You were --**

**PHILIP MALICK: (Unintelligible).**

**APOLLONIA CRUZ: Intense.**

**DETECTIVE STONE: Real, real violent kind of thing or --**

**PHILIP MALICK: Yeah. He got violent with me.**

DETECTIVE STONE: Okay.

PHILIP MALICK: And then when he got out, he was like nice, and I let him stay here again and --

DETECTIVE STONE: Was he -- was he under the care of any kind of doctors? Mental care?

PHILIP MALICK: No, he was not. No.

**DETECTIVE STONE: Was he ever -- do you know if he's ever been held in a psychiatric type facility either for a 72-hour hold or longer?**

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PHILIP MALICK: No, I don't think he has, no.

DETECTIVE STONE: Not aware of anything like that?

PHILIP MALICK: No, not aware of that, no.

DETECTIVE STONE: Okay. Does he have any ties to anyone in Riverside?

PHILIP MALICK: Well, is Victorville in Riverside?

DETECTIVE STONE: No.

APOLLONIA CRUZ: It's kind of close to it.

PHILIP MALICK: My dad lives in Riverside.

DETECTIVE STONE: Your dad does?

PHILIP MALICK: Yeah, but not in the city. He lives in Menifee, California.

APOLLONIA CRUZ: No, he lives in Menifee.

DETECTIVE STONE: Okay.

PHILIP MALICK: It's in Riverside County. I don't know if that's --

DETECTIVE STONE: Okay. Does he stay there with your dad?

PHILIP MALICK: No.

DETECTIVE STONE: Okay.

PHILIP MALICK: I mean, he could if he wanted to. I've offered -- I've told him if he wanted to live there, he could.

APOLLONIA CRUZ: But there's nothing out there.

PHILIP MALICK: He always said no though when he --

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yeah, nothing, yeah.

DETECTIVE STONE: Yeah.

PHILIP MALICK: It's really deserted.

DETECTIVE STONE: Yeah.

PHILIP MALICK: Bella, out.

DETECTIVE STONE: Okay. So -- okay. So no known psychological issues that you're aware of?

PHILIP MALICK: No.

DETECTIVE STONE: Okay. All right. Heather, do you have any questions?

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DETECTIVE GAHRY: No.

DETECTIVE STONE: Okay. All right. Listen, sorry about this (Unintelligible), but he was involved with an incident -- in an incident with officers yesterday, okay?

PHILIP MALICK: Yesterday?

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DETECTIVE GAHRY: Monday -- no, Tuesday.

DETECTIVE STONE: Tuesday. Sorry.

APOLLONIA CRUZ: The 6th?

PHILIP MALICK: Was it that one that I saw on the news?

DETECTIVE STONE: In Wilmington, yes.

APOLLONIA CRUZ: We thought it was.

PHILIP MALICK: We thought -- yeah.

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DETECTIVE STONE: He was -- he was shot and killed.

PHILIP MALICK: And ran over by the car or whatever?

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**DETECTIVE STONE: The car did hit him, yeah. Yeah, that was not something that was intentional, but that did happen during the incident, yeah.**

PHILIP MALICK: Is there a videotape or something from the police car?

DETECTIVE STONE: Yeah. There's -- there's not from the car, but the actual officers are wearing body-worn video, so there's that that we're examining.

APOLLONIA CRUZ: Why didn't the car have a video running?

**DETECTIVE STONE: It just never got turned on.**

**PHILIP MALICK: Yeah, yeah. Sometimes --**

**DETECTIVE STONE: Yeah. It was something that happened real quick. So if -- you know, there's certain policies as far as when it should be on. This -- this just happened quick. Officers didn't have an opportunity to turn that on. The body-worn videos were on though. You know, there was an altercation. Officers did fire their weapons and he was shot and killed, all right?**

PHILIP MALICK: Will you be able to release all those videos to me?

DETECTIVE STONE: No. Obviously there's an investigation.

**PHILIP MALICK: Investigation?**

**DETECTIVE STONE: Yeah. So I think I've given you**

about all the details I can about the incident.

PHILIP MALICK: Yeah. I saw a lot of on --

DETECTIVE STONE: I do -- I can say that your son did not fire at officers, okay? We know that already in this investigation.

PHILIP MALICK: He did not have a gun, right?

DETECTIVE STONE: He did not.

PHILIP MALICK: Was it a fake gun there or something that I saw on the news.

DETECTIVE STONE: Well, that's something that --

PHILIP MALICK: Yeah, I don't know.

DETECTIVE STONE: It's still part of the investigation. I don't know if any information about a weapon has been released or -- it has been released? Okay. What was released? I didn't even --

DETECTIVE GAHRY: That it was a fake gun.

DETECTIVE STONE: Okay.

APOLLONIA CRUZ: Toy gun?

DETECTIVE STONE: So, yeah.

PHILIP MALICK: Yeah, the news said that.

DETECTIVE GAHRY: It was on the news.

DETECTIVE STONE: I'm sorry. I didn't know that that stuff was released yet, so --

PHILIP MALICK: Yeah, yeah. No worries.

DETECTIVE STONE: I haven't turned on the TV. We

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worked -- you know, obviously we worked there.

PHILIP MALICK: Can you tell me what kind of fake gun it was or like was it colored or anything?

DETECTIVE STONE: Yeah. There was some color to it, yeah.

PHILIP MALICK: Oh.

DETECTIVE STONE: There was some darkness to it, but there was also some color to it, so --

APOLLONIA CRUZ: Bella.

DETECTIVE STONE: This is something that happened --

PHILIP MALICK: Bella, out.

DETECTIVE STONE: It happened at night.

PHILIP MALICK: Yeah, it's hard to see at night.

DETECTIVE STONE: There were -- you know, there were calls from the community that brought officers into the area.

PHILIP MALICK: Yeah.

DETECTIVE STONE: And so that kind of is kind of in the frame of mind of the officers when they got there and when they encountered your son. We're still -- we're still doing interviews. We're still analyzing videos. And then we don't release that stuff until we're through with our investigation.

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And I'll tell you, our investigation -- what we do is first we -- our investigation is first going to be

reviewed by a use of force review board and that's in about nine months from now that that happens, okay? From there then an independent -- we have a police commission that oversees the police department and that's made up a civilian committee. Then it goes to them and they review it.

APOLLONIA CRUZ: Bella.

DETECTIVE STONE: And that's about -- that's about 10 to 11 months from now.

DETECTIVE GAHRY: I think you're supposed to be down.

APOLLONIA CRUZ: Belly.

DETECTIVE STONE: She is sweet though.

APOLLONIA CRUZ: Yeah. Just wants to love everyone.

DETECTIVE STONE: So this investigation, including the review process, it's 10 to 11, 12 months out before everything is complete. And at that point the police commission does release a report that's got most of the information in it. Some of it's redacted. Some of the stuff is still confidential because there's --

PHILIP MALICK: Is it like an excessive force investigation?

DETECTIVE STONE: Well, it's -- you know, we're not -- any time an officer discharges their weapon --

PHILIP MALICK: Yeah.

DETECTIVE STONE: -- we investigate that completely.

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DETECTIVE GAHRY: Even if it's an accident.

DETECTIVE STONE: Obviously it's a very -- it's a very serious act any time an officer discharges their weapon. Yeah, if it's an accident or if it's on purpose. Very serious act. So we investigate it, you know, to its fullest. And so that's what we're doing on this, so --

APOLLONIA CRUZ: Is that why the car didn't get lift up off of him for so long?

PHILIP MALICK: They said 12 hours.

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DETECTIVE STONE: Yeah. Well, there's -- yeah, there was a lot of evidence there, and so we were doing what we could to collect evidence. And, you know, he was -- the fire department determined that he was dead, so we didn't make that move to move the car until we are ready to get to that point. We had --

PHILIP MALICK: Was he alive?

DETECTIVE STONE: No, no, no, no. He was --

PHILIP MALICK: He was dead from the gun (Unintelligible).

DETECTIVE STONE: You know, I -- I'm not a doctor.

PHILIP MALICK: Yeah.

DETECTIVE STONE: And he's still -- there's still an autopsy that's going to be performed. But from my observation on the videos that I did see that first night, it looked like -- it looked like he went down and --

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PHILIP MALICK: That was it.

APOLLONIA CRUZ: From a gun? From the gun or --

DETECTIVE STONE: Yeah, yeah, yeah. It looked like he went down. And I -- you know, I can't tell you he was dead right away. I don't know. You know, if it means anything to you, my instinct looking at what I saw on the video, I think he might have been, but I just don't know, okay? Don't hold me to that, but --

PHILIP MALICK: Yeah, yeah.

DETECTIVE STONE: -- if that does anything for you --

PHILIP MALICK: (Unintelligible).

DETECTIVE STONE: But if that does anything for you, I might -- I'm leaning that way, so we'll see where that goes.

PHILIP MALICK: Yeah.

DETECTIVE STONE: But I know the fire department was there pretty quick. They've got very strict protocol on what they can and can't do as far as determining someone to be dead.

PHILIP MALICK: So how many videos were there -- police videos?

DETECTIVE STONE: Well, there's only two officers there.

PHILIP MALICK: So two?

DETECTIVE STONE: Both their videos were running.

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PHILIP MALICK: They were running?

DETECTIVE STONE: And then there were officers that rolled up fairly soon after the incident after the car had already rolled up and was covering him.

PHILIP MALICK: Right. Was the car rolling up on him an accident?

DETECTIVE STONE: Yeah.

PHILIP MALICK: Like they left it on drive?

DETECTIVE STONE: Yeah.

PHILIP MALICK: It was?

DETECTIVE STONE: That wasn't intentional.

PHILIP MALICK: It wasn't intentional?

DETECTIVE STONE: Yeah, yeah. But, anyways, the secondary car that came up, that actually had -- they had their digital in-car video, which is the video in the car.

PHILIP MALICK: Yeah.

DETECTIVE STONE: That was activated. Plus their body-worn videos, I believe. But they came in after the fact, so --

PHILIP MALICK: So total there's like three or four videos, huh?

DETECTIVE STONE: One, two, three, four, five to six.

PHILIP MALICK: Five?

DETECTIVE STONE: Yeah. Only -- only two of them were there at the time the incident happened.

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PHILIP MALICK: And when will that be released?

DETECTIVE STONE: You know, that's up to the Chief of Police.

PHILIP MALICK: Oh, is it?

DETECTIVE STONE: Yeah. And generally that stuff is not released until after our investigation --

PHILIP MALICK: Investigation.

DETECTIVE STONE: -- is complete, yeah. And -- yeah. And that's their decision, not ours.

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DETECTIVE GAHRY: Because it still has to go through our attorney also.

PHILIP MALICK: Okay.

DETECTIVE GAHRY: The district attorney's office has to determine if there's any criminal --

PHILIP MALICK: And who's that?

DETECTIVE STONE: So part of our investigation is what we're doing -- our team is doing two investigations. There's one that's an administrative investigation.

PHILIP MALICK: Right.

DETECTIVE STONE: That is determining --

PHILIP MALICK: Like criminal.

DETECTIVE STONE: -- determining if the officers -- if their actions out there were appropriate and within department policy. The other aspect of it, the other investigation that's occurring at the same time is, you

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know, did the officers -- are they -- did they have any criminal culpability?

So we present a report to the department, so they can evaluate tactics and actions. And then we also present a report to the district attorney's office and let them review it and find out if -- you know, if there's any criminal culpability with the officers' actions.

PHILIP MALICK: Right.

DETECTIVE STONE: So it just takes time. Our process -- I teach officer involved shooting investigations to -- to other agencies. I've traveled outside of our state to talk to people, other agencies, and we've had people from all over the country come to our class. Canada, Hawaii, New York, and everything in between. And every city does these things differently.

Our process is pretty long and it's -- it's slow, so -- and tedious, so -- you know, I'll give you my card. You can certainly -- you know, if you have any questions, you can certainly -- you have one of those already, but there's another one. You can certainly give us a call.

DETECTIVE GAHRY: This is my card and that's the coroner's case number (Inaudible).

DETECTIVE STONE: So --

PHILIP MALICK: Is there a case number for your investigation?

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DETECTIVE STONE: Yeah, yeah. So we work Force Investigation Division, and so the acronym for that is FID.

PHILIP MALICK: Okay.

DETECTIVE STONE: That's the unit. And the case number is F042-17.

DETECTIVE GAHRY: We also have a family liaison unit that will probably be contacting you.

DETECTIVE STONE: Yeah.

DETECTIVE GAHRY: To assist you with obtaining the coroner's reports and just kind of any questions you have. And I believe it's Sergeant Chavez, and I don't know the other sergeant's name.

DETECTIVE STONE: Yeah. So they'll --

DETECTIVE GAHRY: But they'll be --

DETECTIVE STONE: I bet you they'll be in touch with you today.

PHILIP MALICK: Okay.

DETECTIVE STONE: As soon as -- as soon as we let them know that we've talked to you, I'm sure they'll be calling.

PHILIP MALICK: So is there going to be like a police report -- a criminal one and a police report with you? Is that how it works?

DETECTIVE STONE: Yeah, yeah. We do -- we do -- our

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team is made up of six of us. And so, yeah, we'll be doing an administrative report and a -- it's a -- we call it a criminal report that which goes to the district attorney's office.

PHILIP MALICK: Okay.

DETECTIVE STONE: They're very similar because obviously we're describing the same actions that occurred, but they just go to different entities in being reviewed.

PHILIP MALICK: Can you send me a copy of those?

DETECTIVE STONE: Well, that's -- that stuff is all confidential, so just like the videos. Until the whole review process is complete, nothing gets -- gets released.

PHILIP MALICK: Okay.

DETECTIVE STONE: And it's -- and it's not as simple as just writing out a two-page report and being done. It's -- Heather is not writing this one. But it's -- yeah, it's going to -- it's going to be a very, very detailed documentation that could -- that could be -- you know, with all the transcripts, all the analysis of all the evidence that we have, it could be, you know, a couple hundred pages long.

So it takes time to put that together, all right? Did you see the news? I mean, you knew that the car was lifted off. Obviously we put a lot of resources into this investigation. And so there's a lot of information that's

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got to be kind of, you know, analyzed by us and put down on paper. It's going to take some time.

**PHILIP MALICK:** Right.

DETECTIVE GAHRY: Now, you said you thought that may have been him. Is that just because of the area or because we showed up?

APOLLONIA CRUZ: Well, because you guys showed up.

PHILIP MALICK: Because you showed up yesterday.

APOLLONIA CRUZ: I was like three detectives? Like I've never seen like three detectives go to someone's house ever, ever.

**PHILIP MALICK:** And then your car said Force Investigation on it.

**APOLLONIA CRUZ:** Yeah, I looked it up online.

**PHILIP MALICK:** I looked it up online.

**DETECTIVE GAHRY:** Okay.

APOLLONIA CRUZ: Yeah.

DETECTIVE STONE: Did it say that we investigate officer involved shootings and different stuff?

APOLLONIA CRUZ: Yeah, it did. The Force Investigation, yeah.

DETECTIVE STONE: Yeah. We do other investigations, but it's all related to kind of force by our officers.

**APOLLONIA CRUZ:** Because we thought it was across the street. Our neighbor, their sign got like hit by a car on

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accident, so we thought it was that. And then we looked up your card, we were like, no, it has nothing to do with that.

DETECTIVE GAHRY: Okay.

DETECTIVE STONE: Okay. So --

DETECTIVE GAHRY: Because I believe your mom called the coroner's office.

PHILIP MALICK: Grandma, yeah. The grandma?

DETECTIVE STONE: Somebody woke up?

APOLLONIA CRUZ: Yeah, my little one.

PHILIP MALICK: (Inaudible).

DETECTIVE STONE: You know, we have -- we have access to various databases through our -- through our work -- are you checking out my gun? And it looks like -- or at least we believe that Eric has had some mental health issues. That there's been some reported -- what do I want to use? Like he's been held for psychiatric evaluation a few times.

PHILIP MALICK: Oh, was he?

DETECTIVE STONE: Yeah. You're not -- you're not aware of that?

PHILIP MALICK: No, never.

DETECTIVE STONE: And this all was done in Riverside.

DETECTIVE GAHRY: Well, Riverside County.

DETECTIVE STONE: Riverside County.

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DETECTIVE GAHRY: But it could also be if --

PHILIP MALICK: Riverside County?

DETECTIVE GAHRY: -- if the family member -- like if you were to -- wanted to take him to a private hospital for psychiatric and you took him to one in Riverside, that's why (Unintelligible).

PHILIP MALICK: I never heard that.

DETECTIVE GAHRY: So we don't --

DETECTIVE STONE: Your mom has never -- like if your mom maybe took him from Victorville down to Riverside to a hospital, she never mentioned that?

PHILIP MALICK: No. She never --

DETECTIVE STONE: Okay.

PHILIP MALICK: His grandma on his mom's side never mentioned it either.

DETECTIVE STONE: Okay.

PHILIP MALICK: I don't remember her saying that.

DETECTIVE STONE: Where does his mom live?

PHILIP MALICK: Actually, I'm not sure right now. I think Arizona though.

DETECTIVE STONE: Okay. So are they --

PHILIP MALICK: Either Victorville or Arizona.

DETECTIVE STONE: Do they have a relationship? Do you know?

PHILIP MALICK: Yeah, they do, yeah.

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DETECTIVE GAHRY: So the Victorville grandma's -- mom's mom?

PHILIP MALICK: Yeah.

DETECTIVE STONE: Okay. All right. Well, I'm sorry to dump that on you.

PHILIP MALICK: Yeah.

DETECTIVE STONE: Is there -- is there -- do you have any other questions now? I know it's probably not -- maybe later on this afternoon you might and you can certainly call us, but is there anything else you can think of right now?

PHILIP MALICK: No.

DETECTIVE STONE: Okay. All righty.

DETECTIVE GAHRY: But if you do get a call from any sergeants that they're with our family liaison unit (Unintelligible) policy or like obtaining anything and helping you to -- you know, coroner's reports and obtaining whatever you need. But it could be a while for some of that.

PHILIP MALICK: Okay.

DETECTIVE STONE: And they have the investigator name -- investigator's name from the coroner?

DETECTIVE GAHRY: Yes. Anthony Lopez.

DETECTIVE STONE: Okay. All right.

DETECTIVE GAHRY: I gave him a card.

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DETECTIVE STONE: I'll call them as soon as I leave here and let them know that we've talked to you. He might call you right away and, you know, talk to you about their process there, okay?

PHILIP MALICK: Okay.

DETECTIVE STONE: So, Philip, could I get a birth date?

PHILIP MALICK: 5/17/1973.

DETECTIVE STONE: Okay. And, Apollonia?

APOLLONIA CRUZ: 6/15/89.

DETECTIVE STONE: Okay. All right. And I'm sorry, Philip, I don't see a phone number on my notes here. What's your

PHILIP MALICK: (310) 316-8080.

DETECTIVE STONE: Okay. In regards to --

PHILIP MALICK: Do you need my e-mail or anything?

DETECTIVE STONE: Yeah, sure.

PHILIP MALICK: I can give you a business card.

DETECTIVE STONE: Okay. In regards to Jane, his grandmother, she did call while we were out in the field. I'd rather not call her and give her the news on the phone. That's not what --

PHILIP MALICK: I'll give her the news.

DETECTIVE STONE: Okay. All right.

PHILIP MALICK: It's PhilipMalick@hotmail.com. One

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"L" on Philip.

APOLLONIA CRUZ: (Unintelligible).

DETECTIVE STONE: PhilipMalick@hotmail.com?

PHILIP MALICK: Yes. You have an e-mail on here too, right?

DETECTIVE STONE: Yeah.

PHILIP MALICK: Okay. I'll try to e-mail (Unintelligible).

DETECTIVE STONE: Okay. All right. Well --

DETECTIVE GAHRY: Okay. Those might be a- are those the old e-mails?

DETECTIVE STONE: It still works.

DETECTIVE GAHRY: Oh, it still works?

DETECTIVE STONE: Yeah, it still -- I printed up all those cards and then they changed our e-mail, but they said that that e-mail address will still work.

DETECTIVE GAHRY: (Inaudible).

DETECTIVE STONE: If you don't have any questions, then we'll get on our way, okay?

PHILIP MALICK: Okay. Thank you.

DETECTIVE GAHRY: Again, we're very sorry. (Inaudible).

DETECTIVE STONE: All righty. Try and enjoy your day, okay?

PHILIP MALICK: (Inaudible). /// ///

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Exh 21
P. Malik
Dec 19, 2018
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